

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:08-00284

MARTIN JOHNSON

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On April 29, 2014, the United States of America appeared by C. Haley Bunn, Assistant United States Attorney, and the defendant, Martin Johnson, appeared in person and by his counsel, George H. Lancaster, Jr., Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Joseph Black. The defendant commenced a thirty-two month term of supervised release in this action on November 13, 2013, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on October 7, 2013.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed Adderall without a prescription as evidenced by a positive urine specimen submitted by him on January 11, 2014, for methamphetamine, the defendant having acknowledged on the record of the hearing that Adderall can produce a positive result for amphetamine and/or d-methamphetamine; (2) the defendant used and possessed Suboxone without a prescription as evidenced by a positive urine specimen submitted by him on January 18, 2014, the defendant having also admitted to the probation officer that he used Suboxone without a prescription; and (3) the defendant failed to spend a period of six months at Dismas Charities inasmuch as he entered the program on November 13, 2013, and was discharged on January 30, 2014, due to several violation reports and two positive urine specimens; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.


And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWO (2) MONTHS, to be followed by a term of thirty (30) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: May 27, 2014



John T. Copenhaver, Jr.
United States District Judge